

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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	:	
UNITED STATES OF AMERICA	:	
	:	CONSENT PRELIMINARY ORDER
- v. -	:	OF FORFEITURE/
	:	<u>MONEY JUDGMENT</u>
BRIAN O'NEILL,	:	
	:	22 Cr. 57 (VEC)
Defendant.	:	
-----	x	

WHEREAS, on or about January 26, 2022, BRIAN O'NEILL (the "Defendant"), was charged in a four-count Indictment, 22 Cr. 57 (VEC) (the "Indictment"), with wire fraud, in violation of Title 18, United States Code, Section 1343 (Counts One and Two); false statements in violation of Title 18, United States Code, Section 1001 (Count Three); and perjury in violation of Title 18, United States Code, Section 1623 (Count Four);

WHEREAS, the Indictment included a forfeiture allegation as to Counts One and Two of the Indictment, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28 United States Code, Section 2461(c);

WHEREAS, on or about November 15, 2022, the Defendant pled guilty to Counts One and Two of the Indictment, pursuant to a plea agreement with the Government, wherein the Defendant admitted the forfeiture allegation with respect to Counts One and Two of the Indictment and agreed to forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28 United States Code, Section 2461(c) a sum of money equal to \$8,500,055.00 in United States currency, representing the proceeds traceable to the commission of the offenses charged in Counts One and Two of the Indictment;

WHEREAS, the Defendant consents to the entry of a money judgment in the amount of \$8,500,055.00 in United States currency, representing the amount of proceeds traceable

to the offenses charged in Counts One and Two of the Indictment that the Defendant personally obtained; and

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Damian Williams, United States Attorney, Assistant United States Attorneys, Maggie Lynaugh and Amanda Weingarten of counsel, and the Defendant, and his counsel, Edward Sapone, Esq., that:

1. As a result of the offenses charged in Counts One and Two of the Indictment to which the Defendant pled guilty, a money judgment in the amount of \$8,500,055.00 in United States currency (the "Money Judgment"), representing the amount of proceeds traceable to the offenses charged in Counts of One and Two of the Indictment that the Defendant personally obtained, shall be entered against the Defendant.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Consent Preliminary Order of Forfeiture/Money Judgment is final as to the Defendant, BRIAN O'NEILL, and shall be deemed part of the sentence of the Defendant, and shall be included in the judgment of conviction therewith.

3. All payments on the outstanding money judgment shall be made by postal money order, bank or certified check, made payable, in this instance, to the United States Marshals Service, and delivered by mail to the United States Attorney's Office, Southern District of New York, Attn: Money Laundering and Transnational Criminal Enterprises Unit, One St. Andrew's Plaza, New York, New York 10007 and shall indicate the Defendant's name and case number.

4. The United States Marshals Service is authorized to deposit the payments on the Money Judgment into the Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

5. Pursuant to Title 21, United States Code, Section 853(p), the United States is authorized to seek forfeiture of substitute assets of the Defendant up to the uncollected amount of the Money Judgment.

6. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.

7. The Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

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8. The signature page of this Consent Preliminary Order of Forfeiture/Money Judgment may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

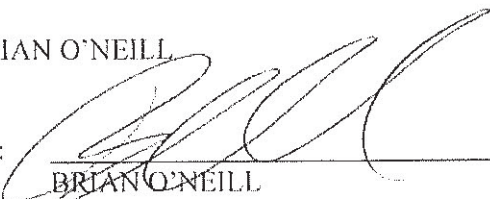
AGREED AND CONSENTED TO:

DAMIAN WILLIAMS
United States Attorney for the
Southern District of New York

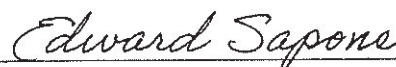
By: 
MAGGIE LYNAUGH
AMANDA WEINGARTEN
Assistant United States Attorneys
One St. Andrew's Plaza
New York, NY 10007
(212) 637-2448 / 2257

11/14/2022
DATE

BRIAN O'NEILL

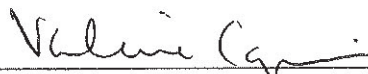
By: 
BRIAN O'NEILL

11/14/22
DATE

By: 
EDWARD SAPONE, ESQ.
Attorney for Defendant
Sapone & Petrillo, LLP
40 Fulton Street
17th Floor
New York, NY 1038

11/14/22
DATE

SO ORDERED:


HONORABLE VALERIE E. CAPRONI
UNITED STATES DISTRICT JUDGE

5.8.23
DATE